

IN RE: PETITION FOR SPECIAL HEARING
NW/4 Kemp Road, 520' NE of the
c/l of Western Maryland RR;
E/S of Old Hanover Road, approx.
250' N of the c/l of Kemp Road
4th Election District
3rd Councilmanic District
Joan A. McDonald, et al
Petitioners

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 89-324-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to approve three building sites on one of two lots of record and one building site on the other lot of record, in lieu of the permitted two building sites on each lot of record, as more particularly described in Petitioner's Exhibit 1.

The Petitioners, by Joan A. McDonald, represented by her husband, James R. McDonald, Walter A. Frey, III, and Jonathan A. Melnick on behalf of the Old Hanover Road Partnership, Contract Purchaser of the subject property, appeared, testified and were represented by Edward A. Halle, Jr., Esquire. Also appearing on behalf of the Petition were J. Strong Smith, an engineer with George W. Stephens, Jr. and Associates, Inc.; Robert A. Wetzler, an adjoining property owner, and Lisa Keir on behalf of the Valleys Planning Council. There were no Protestants.

Testimony indicated that the subject property consists of approximately 136 acres zoned R.C. 2 which are described as three separate parcels in a deed dated March 4, 1964. The property is located off of Kemp Road and Old Hanover Road. Parcel 1 is separated from Parcels 2 and 3 by a strip of the Western Maryland Railroad line. One of the lots, identified on Petitioner's Exhibit 1 as Parcel 3, contains 0.1863 acres and is of a very odd shape, such as an inverted "L", with a width of approximately 16 feet and a length of 354 feet on one end and 166 feet on the other.

No residence can be constructed on Parcel 3. Apparently, the lot was created originally for purposes of granting a right-of-way for access to the Railroad from Old Hanover Road. A second lot, identified as Parcel 2 on Petitioner's Exhibit 1, consists of 8.1121 acres which, pursuant to Section 1A01.3.B.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), contains two density units. By testimony presented and aerial photographs submitted as evidence, the property is currently being farmed for crops. The remaining property, identified as Parcel 1 on Petitioner's Exhibit 1, consists of 120 acres and contains two density units pursuant to Section 1A01.3.B.1 of the B.C.Z.R. Said Parcel is used for a combination of agricultural purposes as well as forest preservation.

Petitioners request permission to place three homesites on the 120-acre lot designated as Parcel 1 and to reserve one density unit for future development on the 8-acre plus lot designated as Parcel 2. Testimony indicated that Petitioners will place the entire subject property into the Maryland Agricultural District Program. Petitioners testified that County representative for the Program had met with them and indicated he would recommend the property be accepted into said Program in the configuration proposed by Petitioners on Petitioner's Exhibit 5. Petitioners contend that the granting of the relief requested would insure that Parcel 2 will remain available for agricultural use for the next 25 years and be developed in a manner that best preserves the agricultural uses of the land. Petitioners believe to grant the requested three building sites for Parcel 1 will enable the property to be used within the spirit and intent of the B.C.Z.R. Petitioners further contend that their request is consistent with Zoning Office policy in similar situations.

-2-

In further support of the request, Petitioners introduced letters from surrounding property owners indicating their support of the proposed use. The letters have been marked Petitioner's Exhibits 3A, 3B and 3C. Lisa Keir, Director of the Valleys Planning Council, indicated Petitioners and the Council have entered into an agreement which in their opinion meets their interests in the agricultural preservation of the property and development in keeping with the area. The agreement has been identified herein as Petitioner's Exhibit 4.

Mr. Frey testified that the property had been in his family for many years. He believes the division of Parcel 1 proposed by Petitioners and as set forth in Petitioner's Exhibit 5 will best preserve the agricultural use of the property.

The Petitioners, through their Counsel, argued that the relief requested is appropriate by a special hearing pursuant to the B.C.Z.R. and Zoning policy. He argued that the evidence presented clearly shows the relief, if granted, would not result in any detriment to the health, safety or general welfare of the community, is consistent with the legislative intent of the R.C. 2 regulations, and would encourage the continued agricultural use of the majority of the property.

It has been the policy of the Office of Zoning that the spirit and intent of the R.C. zoning regulations could not possibly be applied as intended if local roadways, whether existing or proposed, would interrupt the accrual of density between contiguous parcels within the overall subdivision tract. In this instance there is not a road issue but a division of the land by the Western Maryland Railroad strip. The parcels are found to be contiguous. See Grover-Collev v. Perlis, 252 Md. 684 (1968). The

-3-

accrual and/or accumulation of one density unit from Parcel 2 for Parcel 1 is consistent with the Zoning regulations.

After due consideration of the testimony and evidence presented, it is clear the relief requested in the Petition for Special Hearing should be granted, subject to the restrictions set forth hereinafter. It is equally clear from the testimony that to grant the relief requested would not be contrary to the spirit and intent of the B.C.Z.R. and would not be detrimental to the public health, safety or general welfare. The testimony and documentation presented regarding the title history of the subject 132 acres since November 25, 1979, the effective date of Bill No. 178-79 which controls the subdivision of lots of record in the R.C. zones, indicates there has been no previous subdivision or use of density units of the subject property which would have affected the issues or the use of the density units claimed by Petitioners.

Pursuant to the advertising, posting of the property, and public hearing on this Petition held, and for the reasons given above, the Petition for Special Hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 24th day of February, 1989 that the Petition for Special Hearing to approve three building sites on one of two lots of record and one building site on the other lot of record in lieu of the permitted two building sites on each lot of record, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions, which are conditions precedent to the relief granted:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the

-4-

PETITION FOR SPECIAL HEARING TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 806.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve the articulation of Section 1A01.3.B.1 so as to permit 3 building sites on one of two lots of record and one building site on the other lot of record instead of 2 building sites on each lot of record. If approved, the agriculture and rural character of the subject parcels will be preserved. (also see attached)

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: Old Hanover Road Partnership, Victor E. Hencken, General Partner (Type or Print Name)	Legal Owner(s): Joan A. McDonald (Type or Print Name)	MAP - 24 1D E. D. 4 DATE 2/24/89 1000 DP
Signature <i>[Signature]</i>	Signature <i>[Signature]</i>	
10614 Bayview Lane Road Address	Walter A. Frey, III (Type or Print Name)	
Hunt Valley, Maryland 21030 City and State	Signature <i>[Signature]</i>	
Attorney for Petitioner: Edward A. Halle, Jr., Esquire (Type or Print Name)	Address City and State	Phone No.
Signature <i>[Signature]</i>	City and State	
11 E. Lexington St., 5th Fl. Address	Name, address and phone number of legal owner, contract purchaser or representative to be contacted	
Baltimore, Maryland 21202 City and State	Edward A. Halle, Jr., Esq., 11 E. Lexington Name	
Attorney's Telephone No.: _____	St., 4th Fl., Balto, Md. 21202 (301) 547-1919 Address	Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 24th day of Feb, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 1st day of Feb, 1989, at 2 o'clock P.M.

[Signature]
Zoning Commissioner of Baltimore County.

ESTIMATED LENGTH OF HEARING - 1/2 HR. (over)
AVAILABLE FOR HEARING
BENJAMIN J. ZIGLER - BALTO AND TOWSON
ALL OTHERS
REVIEWED BY: *[Signature]* DATE 12/9

utilization of available density in a way that will conserve and preserve the agricultural and rural character of the subject property which is now in crops and woodlands.

PETITION FOR SPECIAL HEARING TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: (continued)

The subject property contains 136 acres zoned RC2 and is described in three separate lots. One of the lots is less than two acres and creates no density units. The two remaining lots are 8 and 128 acres respectively and each has two density units available. Petitioner requests permission to place three homesites on the 128 acre lot, and to reserve one density unit for future use on the 8 acre lot.

Subject to approval of this three lot subdivision plan, Petitioner intends to place the entire subject property into the Maryland Agricultural District program. Petitioner has met with Jeremy Chriss, the administrator of the program, and Chriss has inspected the property and reviewed the proposed subdivision plan. Chriss has advised Petitioner that he would recommend that the property be accepted into the Agricultural District in the configuration proposed by Petitioner.

Approval of the requested subdivision plan would insure that this 136 acre property will remain available for agricultural use for the foreseeable future. Therefore, Petitioner respectfully asks the Zoning Commissioner to approve the requested density utilization request.

I/we do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

LEGAL OWNER(S):

Sandra T. Hahn
[Signature]
(Signature)
Barrie F. Zigler
[Signature]
(Signature)

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333
J. Robert Haines
Zoning Commissioner

February 28, 1989

Edward A. Halle, Jr., Esquire
11 E. Lexington Street, 4th Floor
Baltimore, Maryland 21202

RE: PETITION FOR SPECIAL HEARING
NW/4 Kemp Road, 520' NE of the c/l of Western Maryland Railroad;
E/S Old Hanover Road, approximately 950' N of the c/l of Kemp Road
4th Election District - 3rd Councilmanic District
Joan M. McDonald, et al - Petitioners
Case No. 89-324-SPH

Dear Mr. Halle:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

ANN M. NASTAROWICZ
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: Mr. Jonathan Melnick, Old Hanover Road Partnership
10616 Beaver Dam Road, Hunt Valley, Md. 21030

Ms. Lisa Keir, Executive Director, Valleys Planning Council
P.O. Box 5402, Towson, Md. 21285-5402

Mr. Robert Wetzler
5020 Kemp Road, Reisterstown, Md. 21136

Mr. Walter A. Frey, III
Rte. 2, Box 79-A, Centerville, Md. 21617

People's Counsel
File

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

89-324 SPH

District: 4th
Date of Posting: 1-23-89
Posted for: Special Hearing
Petitioner: Joan M. McDonald, et al
Location of property: 520' NE of the c/l of Western Maryland Railroad; E/S Old Hanover Road, approximately 950' N of the c/l of Kemp Road
Location of Signs: Signs placed at intersection of Kemp Road and Old Hanover Road, on both sides of road
Remarks: Signs placed at intersection of Kemp Road and Old Hanover Road, on both sides of road
Posted by: J. Robert Haines
Signature: [Signature]
Number of Signs: 3

LANDMARK COMMUNITY NEWSPAI
Westminster, Md.

THIS IS TO CERTIFY that the ar was published for _____ day of _____ to the _____ day of _____

- ☐ Carroll County Times, in Westminster, Md.
☐ Randallstown News, in Randallstown, Md.
☐ Community Times, in Baltimore, Md.

LANDMARK COMMUNITY NEWSPAI

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the application of Joan M. McDonald, et al, for a Special Hearing, to consider the application of the proposed petition for a Special Hearing, to change the zoning of the property located at 520' NE of the c/l of Western Maryland Railroad; E/S Old Hanover Road, approximately 950' N of the c/l of Kemp Road, from R-1 to R-2. The hearing will be held on Wednesday, March 1, 1989, at 7:00 p.m., at the County Administration Center, 1000 N. Calverton Road, Towson, Maryland 21204. The hearing will be held in the County Board of Appeals Room, 1000 N. Calverton Road, Towson, Maryland 21204. The hearing will be held in the County Board of Appeals Room, 1000 N. Calverton Road, Towson, Maryland 21204. The hearing will be held in the County Board of Appeals Room, 1000 N. Calverton Road, Towson, Maryland 21204.

WILLIAM R. KAHL
P.O. Box 72
4900 Kemp Rd.
Reisterstown, Md. 21136
Feb. 3, 1989

Mr. J. Robert Haines
Zoning Commissioner of
Baltimore County
Towson, Md. 21204
Re: Case Number 89-324-SPH

Dear Sir:
We are the owners of the adjoining property to the subject McDonald-Frey Parcel #1, NW/4 Kemp Rd, of the stated Petition for Special Hearing.
We have no objection to the petitioned permit for three building sites on Parcel #1, which if approved, would still preserve the agricultural and rural character of the parcel.

We would recommend a favorable decision on the petition.

Cordially yours,
William R. Kahl
Elizabeth B. Kahl

Copy:
Mr. Victor E. Hencken

PETITIONER'S EXHIBIT 3A

Description to Accompany Zoning Petition
For a Special Hearing.

November 21, 1988
Page -2-

- 7) South 12° 07' 00" West 404.23 feet
8) South 80° 50' 00" East 424.17 feet
9) South 09° 10' 00" West 212.00 feet
10) South 80° 50' 00" East 512.52 feet to the place of beginning.
Contains 8.52 acres more or less.

Parcel 3

Point of beginning being located along the west side of the Western Maryland Railroad right-of-way 1395 feet northwest of the centerline of intersection of Kemp Road and the Railroad right-of-way, thence in a counter clockwise direction:

- 1) North 30° 00' 00" West 163.50 feet
2) South 77° 44' 00" West 348.90 feet
3) South 15° 01' 00" East 16.01 feet
4) North 77° 44' 00" East 326.00 feet
5) South 65° 52' 00" East 11.00 feet
6) South 30° 00' 00" East 141.30 feet
7) North 75° 27' 00" East 16.24 feet to the place of beginning.
Contains 0.19 acres more or less.

Parcel 1

Point of beginning being located in the middle of Kemp Road 520 feet easterly from the intersection of the centerline of the Western Maryland Railroad and Kemp Road, thence in a counter clockwise direction:

- 1) North 61° 37' 30" East 1678.00 feet
2) North 01° 45' 00" West 462.00 feet
3) North 27° 52' 30" West 1270.50 feet
4) North 23° 07' 30" West 693.00 feet
5) North 72° 22' 30" West 330.00 feet
6) South 82° 37' 30" West 1204.50 feet
7) North 08° 04' 00" East 105.60 feet
8) South 76° 55' 00" West 57.70 feet
9) South 22° 05' 30" West 95.70 feet
10) South 35° 45' 00" West 848.10 feet
11) South 17° 30' 00" East 506.20 feet
12) South 18° 30' 00" East 699.93 feet
13) South 23° 22' 30" East 241.15 feet
14) North 77° 29' 00" East 965.23 feet
15) South 01° 49' 00" East 1153.80 feet to the place of beginning.
Contains 128.90 acres of land more or less.

Parcel 2

Point of beginning being located along the west side of the Western Maryland Railroad right-of-way 580 feet northwest of the centerline of intersection of Kemp Road and the Railroad right-of-way, thence in a counter clockwise direction:

- 1) North 30° 00' 00" West 796.50 feet
2) South 75° 27' 00" West 16.26 feet
3) North 30° 00' 00" West 141.3 feet
4) North 65° 52' 00" West 11.00 feet
5) South 77° 44' 00" West 326.00 feet
6) South 14° 21' 00" East 15.98 feet

RECEIVED
FEB 8 1989
ZONING OFFICE

Mrs. Daniel L. Newell
4919 Kemp Road
Reisterstown, MD 21136
January 31, 1989

Mr. J. Robert Haines
Baltimore Co. Zoning Commissioner
Office of Planning and Zoning
Towson, MD 21204

Dear Mr. Haines,

Re: Case 89-324-SPH

I want to let you know that I am aware of what Victor Hencken plans to do with property he recently acquired on Kemp Road. I am in support of his plans and as a neighbor feel that this proposal will be in the best interest of all concerned.

Sincerely,
Mary Clare Newell
Mary Clare Newell

PETITIONER'S EXHIBIT 3B

5017 Kemp Road
Reisterstown, Maryland 21136
January 27, 1989

Mr. J. Robert Haines
Baltimore Co. Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204

Dear Mr. Haines:

As a Kemp Road resident I am aware of the zoning petition that has been filed concerning a 137 acre parcel of land in my neighborhood. The Case Number associated with this petition is 89-324-SPH. I would like to take this opportunity to express my support in favor of changing the zoning so as to allow the proposed 3 building sites on the 129 acre parcel and the one building site on the other 8 acre parcel. It is my feeling that reducing the density on the 8 acre parcel to only one building site will be beneficial to the overall community by providing a larger parcel of land for a building lot. This will help to preserve the rural and "open space" feeling that exists in many areas of this community. I also believe that increasing the density of the 129 acre parcel from 2 to 3 buildings will have no impact at all. In my opinion a 43 acre building site is just as good as a 65 acre building site. The one thing that I want to prevent is any possibility that this land could be zoned such that it could be subdivided into 1 or 2 acre building lots. Granting the proposed change would insure that the land is not subdivided into small lots, and I hope that the Zoning Commission approves this petition.

Yours truly,

David G. Hencken
David G. Hencken

RECEIVED
FEB 8 1989
ZONING OFFICE

PETITIONER'S **EXHIBIT**

A. VICTOR E. HENCKEN, JONATHAN MELNICK AND LARRY MAKOWSKI ARE CONTRACT PURCHASERS (HEREINAFTER "PURCHASERS") OF 136 ACRES OF UNIMPROVED PROPERTY (THE "PROPERTY") CURRENTLY OWNED BY FOUR INDIVIDUALS (THE "SELLERS"). THE LAND IS LOCATED ON F.P. RD. IN BALTIMORE COUNTY, ZONED R30 AND DESCRIBED IN THREE SEPARATE LOTS YIELDING A TOTAL OF FOUR DENSITY UNITS.

B. A RAILROAD DIVIDES THE PROPERTY INTO A WESTERN SECTION CONTAINING 8 ACRES AND AN EASTERN SECTION CONTAINING 128 ACRES. EACH SECTION CONTAINS TWO DENSITY UNITS. THERE IS A SUBSTANTIAL DIFFERENCE IN THE CHARACTER AND DEVELOPMENT OF THE ADJOINING PROPERTIES ON THE EAST AND WEST SIDE OF THE RAILROAD. THE PROPERTIES EAST OF THE RAILROAD ARE SUBSTANTIALLY AGRICULTURAL. THE PROPERTIES WEST OF THE RAILROAD ARE EXCLUSIVELY SMALL RESIDENTIAL LOTS.

C. PURCHASERS WANT TO UTILIZE THREE DENSITY UNITS ON THE EASTERN SECTION.

D. THE VALLEYS PLANNING COUNCIL (HEREINAFTER "THE VPC") AND THE PURCHASERS WANT TO PRESERVE THE AGRICULTURAL NATURE OF THE PROPERTY.

E. PURCHASERS HAVE CREATED A DEVELOPMENT PLAN FOR THE CONSTRUCTION OF THREE RESIDENCES ON THE EASTERN SECTION OF THE PROPERTY WHICH PRESERVES THE MAXIMUM AMOUNT OF CONTIGUOUS AGRICULTURAL SPACE.

F. THE VPC WILL NOT OPPOSE THE PURCHASERS REQUEST FOR DENSITY UTILIZATION PROVIDED THE PURCHASERS AGREE TO THE RESTRICTIONS SET FORTH BELOW:

IT IS THEREFORE THIS 9TH DAY OF FEB, 1989, AGREED AS FOLLOWS:

1. THE VPC WILL NOT OPPOSE PURCHASER'S REQUEST FOR DENSITY UTILIZATION;

2. PURCHASERS WILL HAVE THE FOLLOWING COVENANT PLACED IN THE DEEDS FOR THEIR PROPERTIES:
FOR 25 YEARS FROM THE DATE HEREOF, PURCHASERS SHALL NOT INITIATE ANY CHANGE IN ZONING FOR THE PURCHASER'S PROPERTY EAST OF THE RAILROAD
PROVIDED THAT IF ANY OTHER PARCEL OF LAND EAST OF THE RAILROAD AND CONTIGUOUS TO THE LAND DESCRIBED IN THE DEED FROM SELLERS TO PURCHASERS IS REZONED IN SUCH A MANNER AS TO INCREASE THE DENSITY OF THE PARCEL, PURCHASERS SHALL BE FREE TO INITIATE A CHANGE IN ZONING.

3. PURCHASERS WILL TAKE THE NECESSARY ACTIONS TO PUT THE PROPERTY INTO AN AGRICULTURAL DISTRICT AND AGREE NOT TO WITHDRAW FROM THE DISTRICT FOR TWENTY FIVE YEARS; PROVIDED THAT IF ANY OTHER PARCEL OF LAND EAST OF THE RAILROAD AND CONTIGUOUS TO THE LAND DESCRIBED IN THE DEED FROM SELLERS TO PURCHASERS IS REZONED IN SUCH A MANNER AS TO INCREASE THE DENSITY OF THAT PARCEL, PURCHASERS SHALL THEREAFTER BE FREE TO WITHDRAW FROM THE DISTRICT.

PURCHASERS:

VICTOR E. HENCKEN

JONATHAN MELNICK

LARRY MAKOWSKI

VALLEYS PLANNING COUNCIL, INC.

BY: Richard B. Buck
RICHARD B. BUCK, PRES.

89-324-SPH
BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 23rd day of December, 1988.

J. Robert Haines
Zoning Commissioner

Petitioner: Joan A. McDonald, et al
Attorney: Edward A. Halle, Jr., Esquire
Received by: James E. Dyer
Chairman, Zoning Plans
Advisory Committee

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

Date: 1/31/89

Old Hanover Road Partnership
10616 Beaver Dam Road
Hunt Valley, Maryland 21030

ATTN: VICTOR E. HENCKEN

Fee: Petition for Special Hearing

CASE NUMBER: 89-324-SPH

Parcel 1 - NW/4 Kemp Road, 520' NE c/l Western Maryland Railroad

Parcel 2 - E/5 Old Hanover Road, approx. 950' N c/l Kemp Road

4th Election District - 3rd Councilmanic

Legal Owner(s): Joan A. McDonald and Walter A. Frey, III

Contract Purchaser(s): Old Hanover Road Partnership

HEARING SCHEDULED: TUESDAY, FEBRUARY 14, 1989 at 2:00 p.m.

Comments: Please be advised that \$935 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 106, on the day of the hearing.

BALTIMORE COUNTY, MARYLAND

OFFICE OF FINANCE - REVENUE DIVISION

MISCELLANEOUS CASH RECEIPT

No. 008770

DATE: 2-14-89 ACCOUNT: 89-324-SPH

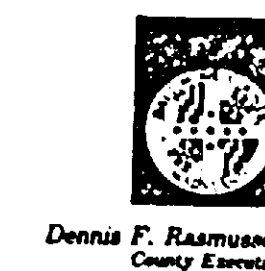
AMOUNT: \$935.00

RECEIVED FROM: Victor E. Hencken

FOR: Petition for Special Hearing (89-324-SPH)

VALIDATION OR SIGNATURE OF CASHIER

WHITE: CASHIER PINK: AGENCY YELLOW: CUSTOMER



Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

January 12, 1989

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Special Hearing
CASE NUMBER: 89-324-SPH
Parcel 1 - NW/4 Kemp Road, 520' NE c/l Western Maryland Railroad
Parcel 2 - E/5 Old Hanover Road, approx. 950' N c/l Kemp Road
4th Election District - 3rd Councilmanic
Legal Owner(s): Joan A. McDonald and Walter A. Frey, III
Contract Purchaser(s): Old Hanover Road Partnership
HEARING SCHEDULED: TUESDAY, FEBRUARY 14, 1989 at 2:00 p.m.

Special Hearings: The application of Section 1401.5.1 so as to permit 3 buildings sites on one of two lots of record and one building site on the other lot of record instead of 2 building sites on each lot of record. If approved, the agriculture and rural character of the subject parcels will be preserved.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Victor E. Hencken
Edward A. Halle, Jr., Esq.
File

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL
PROTECTION AND RESOURCE MANAGEMENT

Zoning Commissioner

Office of Planning and Zoning

County Office Building

Towson, Maryland 21204

Zoning Item # 848, Zoning Advisory Committee Meeting of December 27, 1988

Property Owner: Joan A. McDonald + Walter A. Frey, III

Location: NW/4 Kemp Rd + E/5 Old Hanover Rd District: 4

Water Supply: private Sewage Disposal: private

COMMENTS ARE AS FOLLOWS:

- () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.
- () Prior to new installation(s) of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 887-3773, to obtain requirements for such installation(s) before work begins.
- () A permit to construct from the Bureau of Quality Management is required for such items as spray paint processes, underground gasoline storage tank(s) (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- () A permit to construct from the Bureau of Air Quality Management is required for any charcoal generation which has a total cooking surface area of five (5) square feet or more.
- () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety, two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Water Quality Monitoring Section, Bureau of Regional Community Services, 687-6500 x 315.
- () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- () If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.
- () Prior to tearing of existing structure(s), petitioner must contact the Division of Waste Management at 887-3745, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 887-3775.
- () Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 887-3745.
- () Soil percolation tests, have been _____, must be _____ conducted.
() The results are valid until _____
() Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.
- () Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test () shall be valid until _____
() is not acceptable and must be repeated. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- () If submission of plans to the County Review Group is required, a hydrogeological study and an Environmental Effects Report must be submitted. For more information contact the Division of Environmental Management at 887-3980.
- () In order to subdivide this property, the owner or developer will be required to comply with the subdivision regulations of the State of Maryland and Baltimore County. If there are any questions regarding the subdivision process, please contact the Land Development Section at 887-2762.
- () Others _____

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL
PROTECTION AND RESOURCE MANAGEMENT
MICHAEL S. PLANIGAN

Baltimore County
Fire Department
Towson, Maryland 21204-2506
494-4500

Paul H. Reincke
Chief

January 12, 1989

J. Robert Haines, Zoning Commissioner
Office of Planning & Zoning
Baltimore County Office Building
Towson, Maryland 21204

Re: Property Owner: Legal Owner: Joan A. McDonald + Walter A. Frey, III, Contract Purchaser: Old Hanover Road Partnership, Victor E. Hencken, General Partner
Location: NW/4 Kemp Rd, 520' NE c/l Western Md. RR
Item No.: 248
Zoning Agency Meeting of 12/27/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- () 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: P.H. Reincke, 1-14-89
Special Inspection Division

NOTED & APPROVED: [Signature]
Fire Prevention Bureau

/j1

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

February 3, 1989

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

000

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Edward A. Halle, Jr., Esquire
11 E. Lexington St., 4th Flr
Baltimore, MD 21202

RE: Item No. 248, Case No. 89-324-SPH
Petitioner: Joan A. McDonald, et al/Legal Owner
Petition for Special Hearing

Dear Mr. Halle:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,
James E. Dyer/jw
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Ms. Joan A. McDonald
Old Hanover Road Partnership
10616 Beaver Dam Road
Hunt Valley, MD 21030

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

January 17, 1989

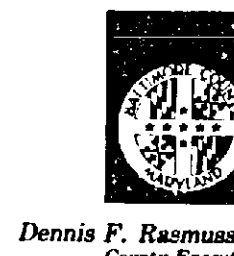
Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

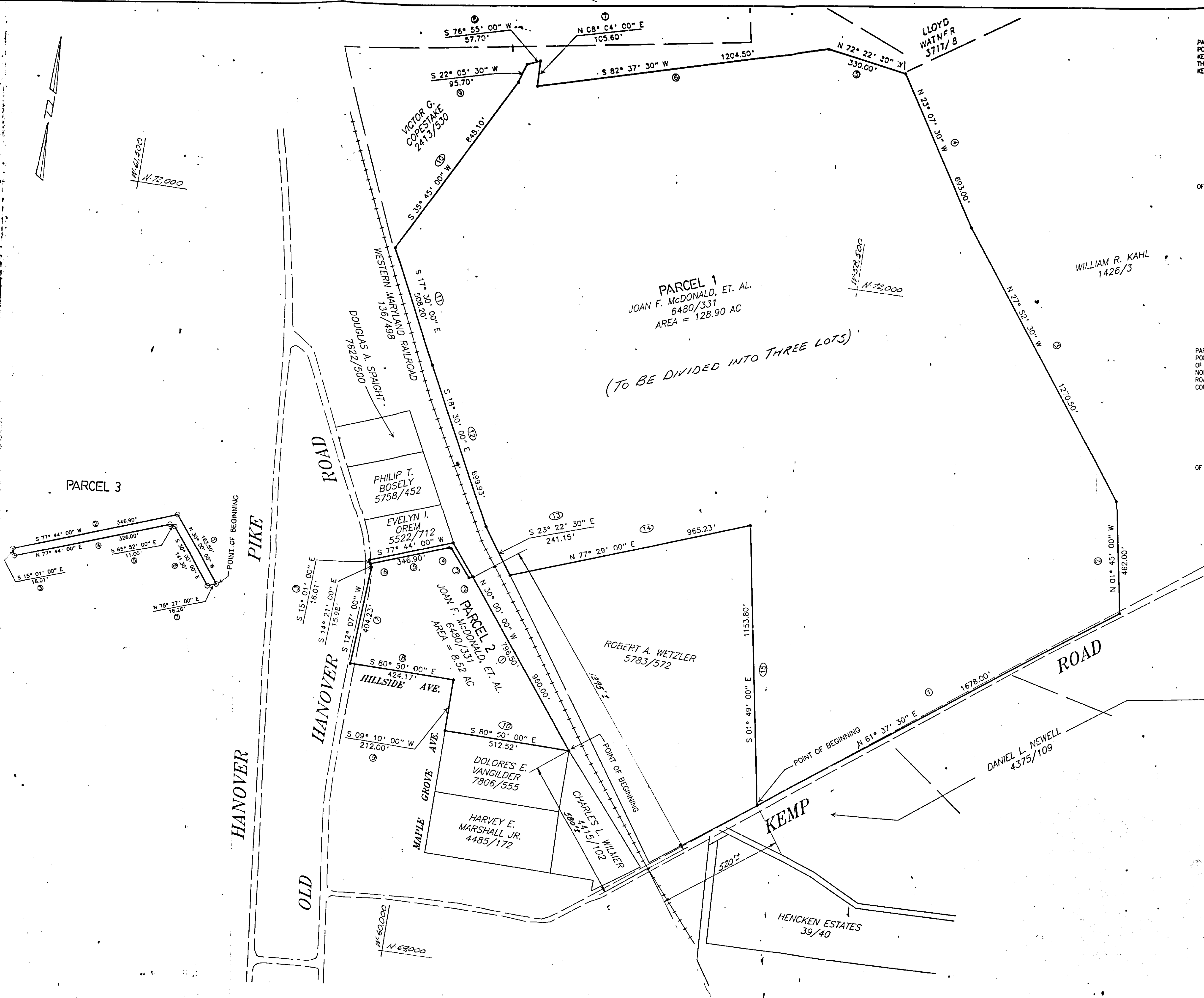
Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for item numbers 137, 236, 248, 249, 250, 251, 254, 256, 257, and 258.

Michael S. Planigan
Traffic Engineer Associate II

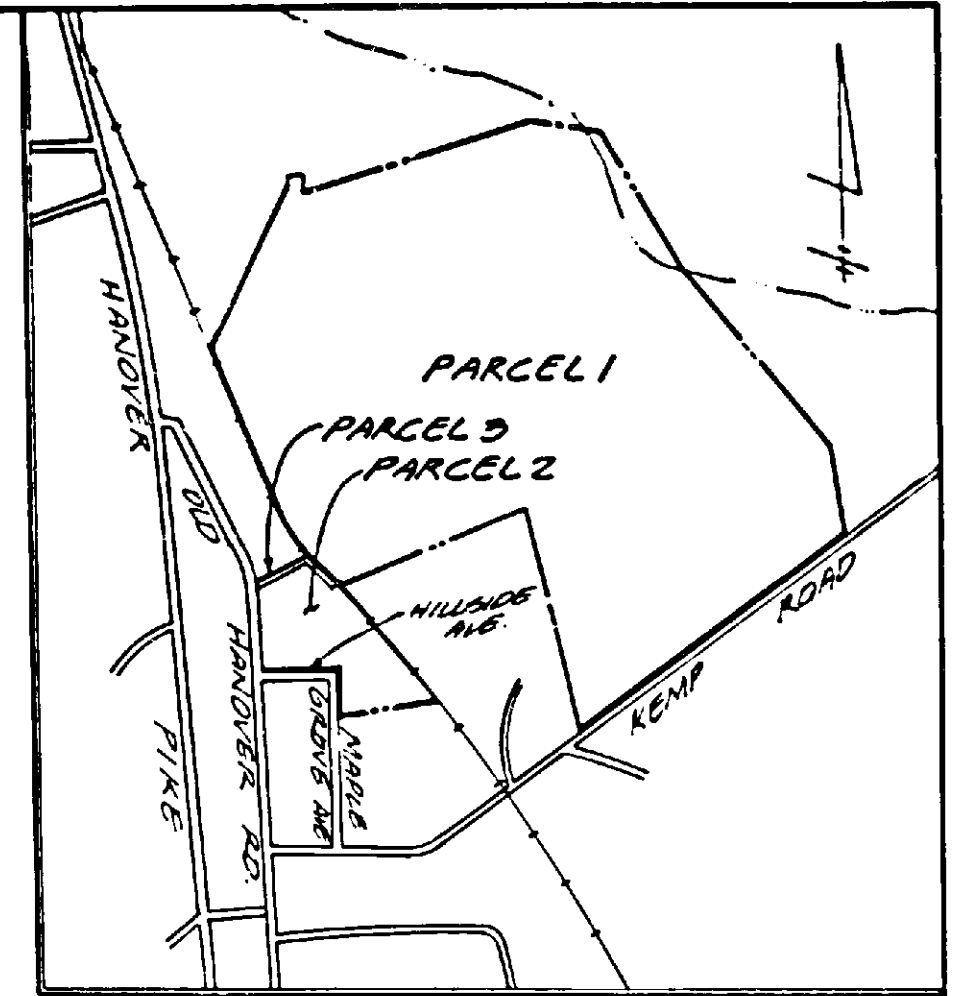
MSE/lvw





PARCEL 1 DESCRIPTION:
POINT OF BEGINNING BEING LOCATED IN THE MIDDLE OF
KEMP'S ROAD 50' ± EASTERLY FROM THE INTERSECTION OF
THE CENTERLINE OF THE WESTERN MARYLAND RAILROAD AND
KEMP ROAD, THENCE IN A COUNTER-CLOCKWISE DIRECTION:
1) NORTH 15° 30' 00" EAST 1678.00'
2) NORTH 15° 30' 00" WEST 462.00'
3) NORTH 15° 30' 00" WEST 1270.50'
4) NORTH 15° 30' 00" WEST 693.00'
5) NORTH 15° 30' 00" WEST 330.00'
6) SOUTH 15° 30' 00" WEST 1264.50'
7) NORTH 15° 30' 00" EAST 105.60'
8) SOUTH 15° 30' 00" WEST 57.70'
9) SOUTH 15° 30' 00" WEST 95.70'
10) SOUTH 15° 30' 00" WEST 648.10'
11) SOUTH 15° 30' 00" EAST 508.00'
12) SOUTH 15° 30' 00" EAST 699.93'
13) SOUTH 15° 30' 00" EAST 241.15'
14) SOUTH 15° 30' 00" EAST 965.23'
15) SOUTH 15° 30' 00" EAST 1153.80' TO THE PLACE
OF BEGINNING. CONTAINS 128.90 ACRES OF LAND MORE OR LESS.

PARCEL 2 DESCRIPTION:
POINT OF BEGINNING BEING LOCATED ALONG THE WEST SIDE
OF THE WESTERN MARYLAND RAILROAD RIGHT-OF-WAY 580.00'
NORTHWEST OF THE CENTERLINE OF INTERSECTION OF KEMP
ROAD AND THE RAILROAD RIGHT-OF-WAY, THENCE IN A COUNTER-
CLOCKWISE DIRECTION:
1) NORTH 30° 00' 00" WEST 796.50'
2) SOUTH 75° 00' 00" WEST 16.26'
3) NORTH 30° 00' 00" WEST 141.30'
4) NORTH 65° 00' 00" WEST 11.00'
5) SOUTH 77° 44' 00" WEST 326.00'
6) SOUTH 14° 21' 00" EAST 15.98'
7) SOUTH 12° 07' 00" WEST 404.23'
8) SOUTH 80° 50' 00" EAST 424.17'
9) SOUTH 09° 10' 00" WEST 212.00'
10) SOUTH 80° 50' 00" EAST 512.52' TO THE PLACE
OF BEGINNING. CONTAINS 8.52 ACRES MORE OR LESS.



GENERAL NOTES:

A SPECIAL HEARING IS REQUESTED TO:

1. PERMIT A DENSITY TRANSFER IN A RC-2 ZONE
2. PERMIT THE TRANSFER OF ALL OR A PORTION OF THE DENSITY FROM AN EXISTING PARCEL OF RECORD TO AN EXISTING PARCEL OF RECORD ALL WITHIN A RC-2 ZONE.

ALL IN ACCORDANCE WITH PLATES RSD-6 & RSD-10 OF THE POLICY MANUAL OF THE ZONING COMMISSIONER OF BALTIMORE COUNTY, 9/20/85 AS AMENDED. SEE ALSO SECTION 1A01.3.B.1 OF THE BALTIMORE COUNTY ZONING REGULATIONS.

NOTE: DENSITY UNIT TO BE TRANSFERRED FROM PARCEL #2 TO PARCEL #1

OVERALL TRACT ZONED RC-2
(ALL ADJACENT PARCELS ZONED R.C.2)
GROSS AREA OF TRACT 137.51 AC

DEED REFERENCE 6480/331 REFERS TO DEED 4276/410 FOR PARCELS #1, #2 & #3 RECORDED 3/4/64

	DENSITY UNITS PERMITTED	DENSITY UNITS PROPOSED
4276/410 PARCEL #1 - 128.90 AC	2	3
4276/410 PARCEL #2 - 8.52 AC	2	1
4276/410 PARCEL #3 - 0.19 AC	0	0
TOTALS - 137.61 AC	4	4

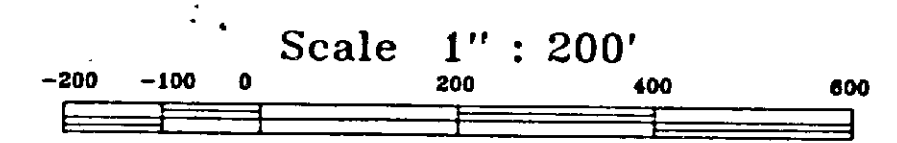
PLAT TO ACCOMPANY
ZONING PETITION
FOR
SPECIAL HEARING

McDONALD PROPERTY

BALTIMORE COUNTY, MARYLAND
ELECTION DISTRICT NO. 4

SCALE: AS SHOWN DATE: NOV. 18, 1988

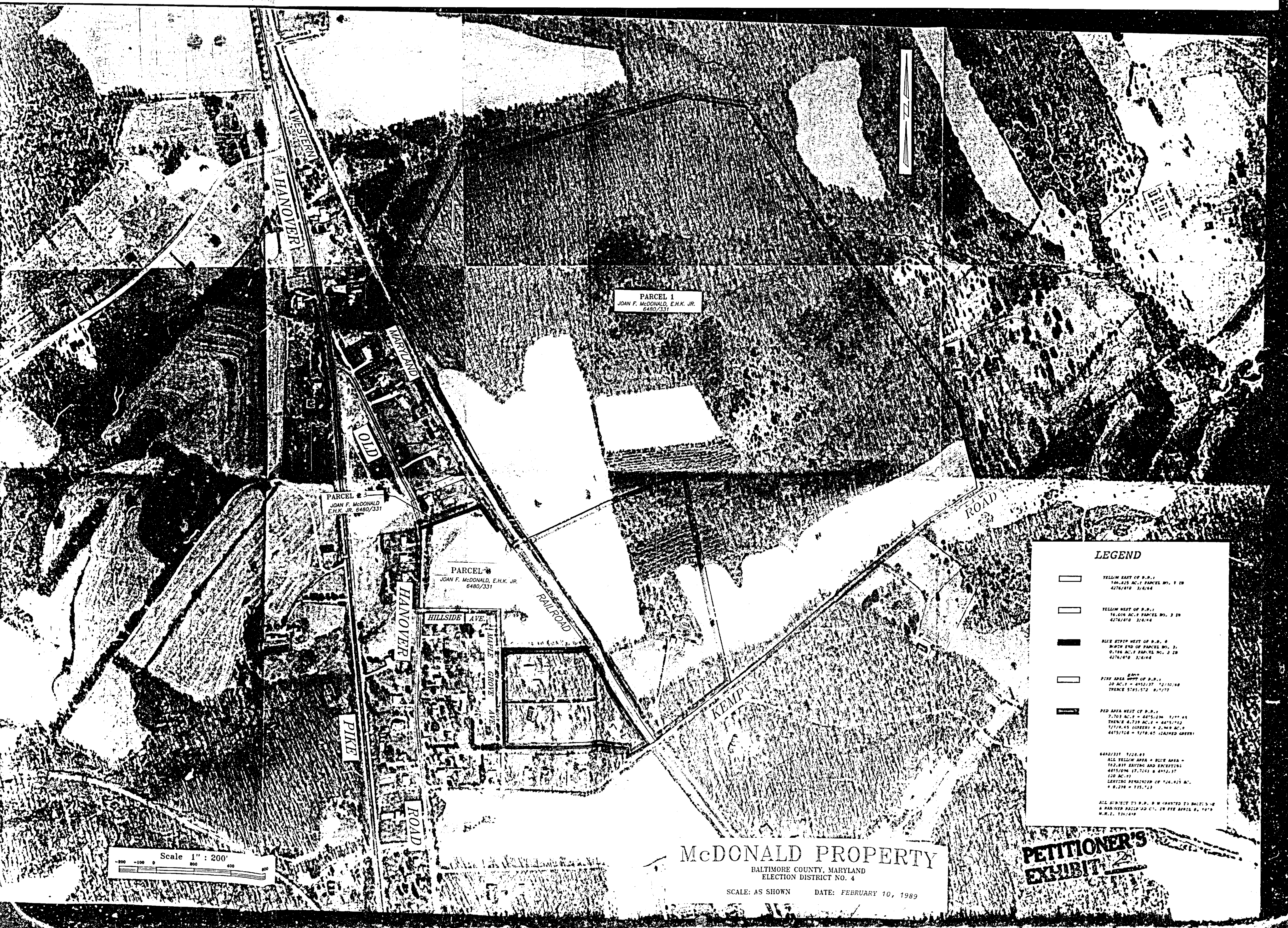
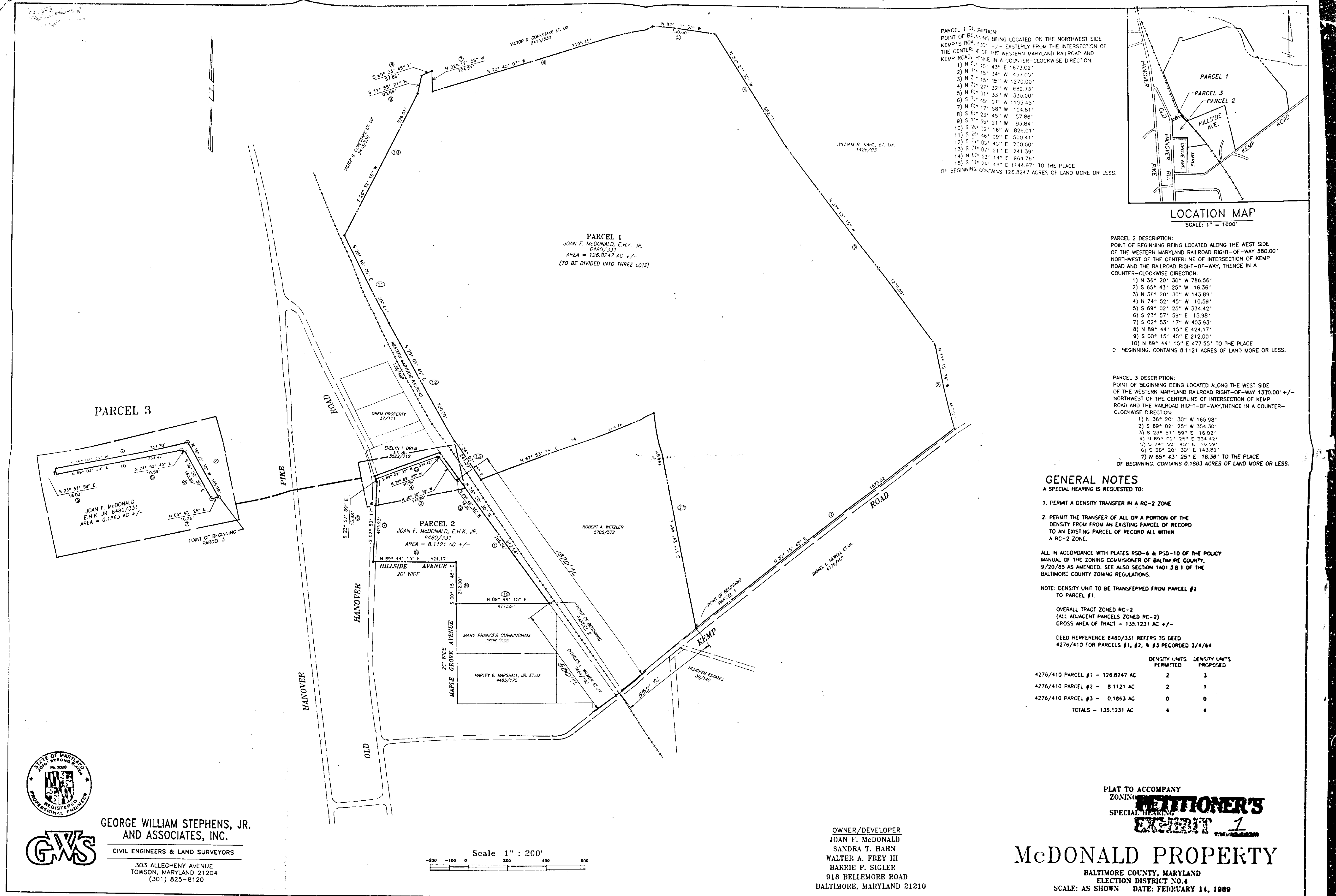
**GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.**
CIVIL ENGINEERS & LAND SURVEYORS
303 ALLEGHENY AVENUE
TOWSON, MARYLAND 21204
(301) 825-8120

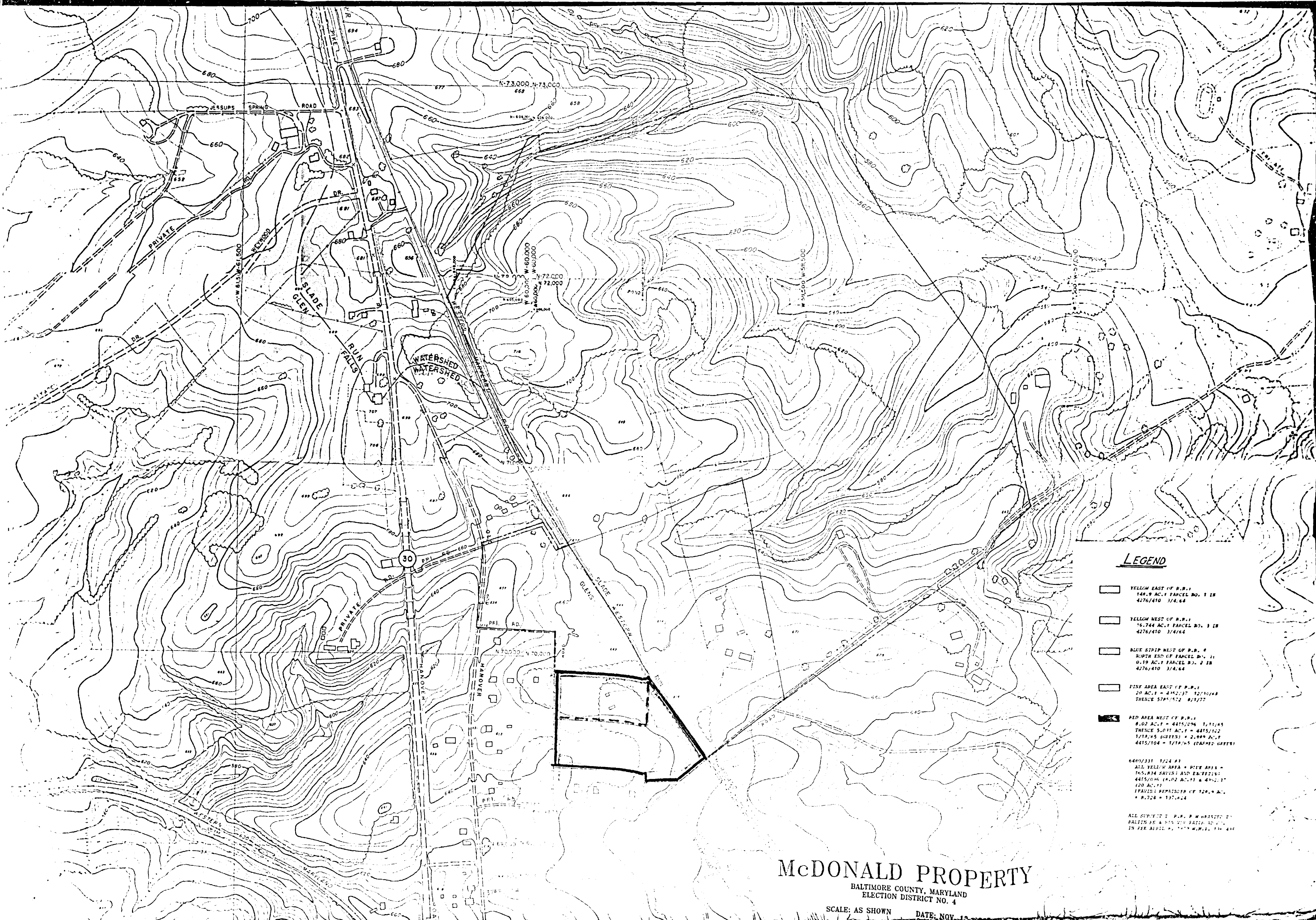
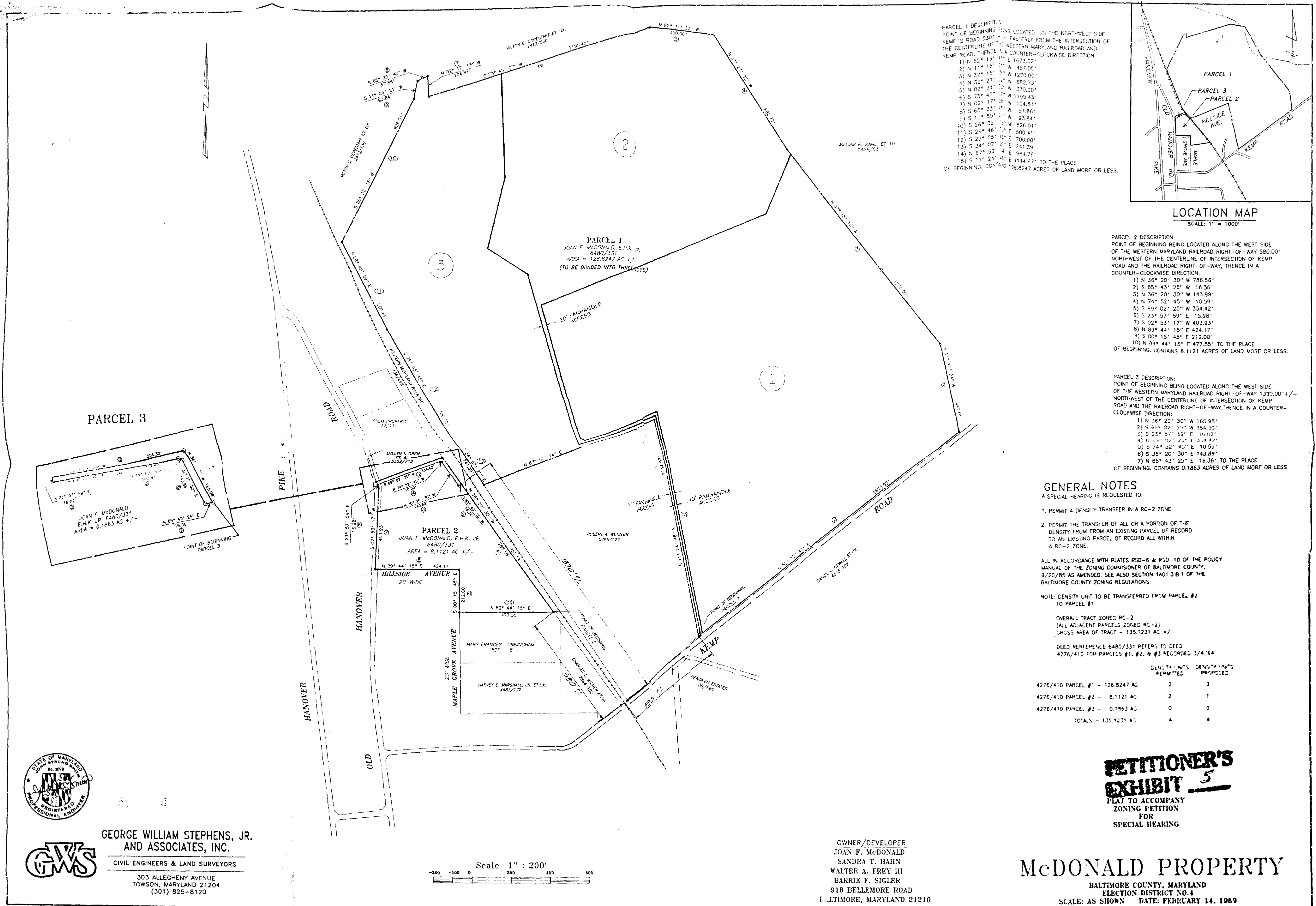


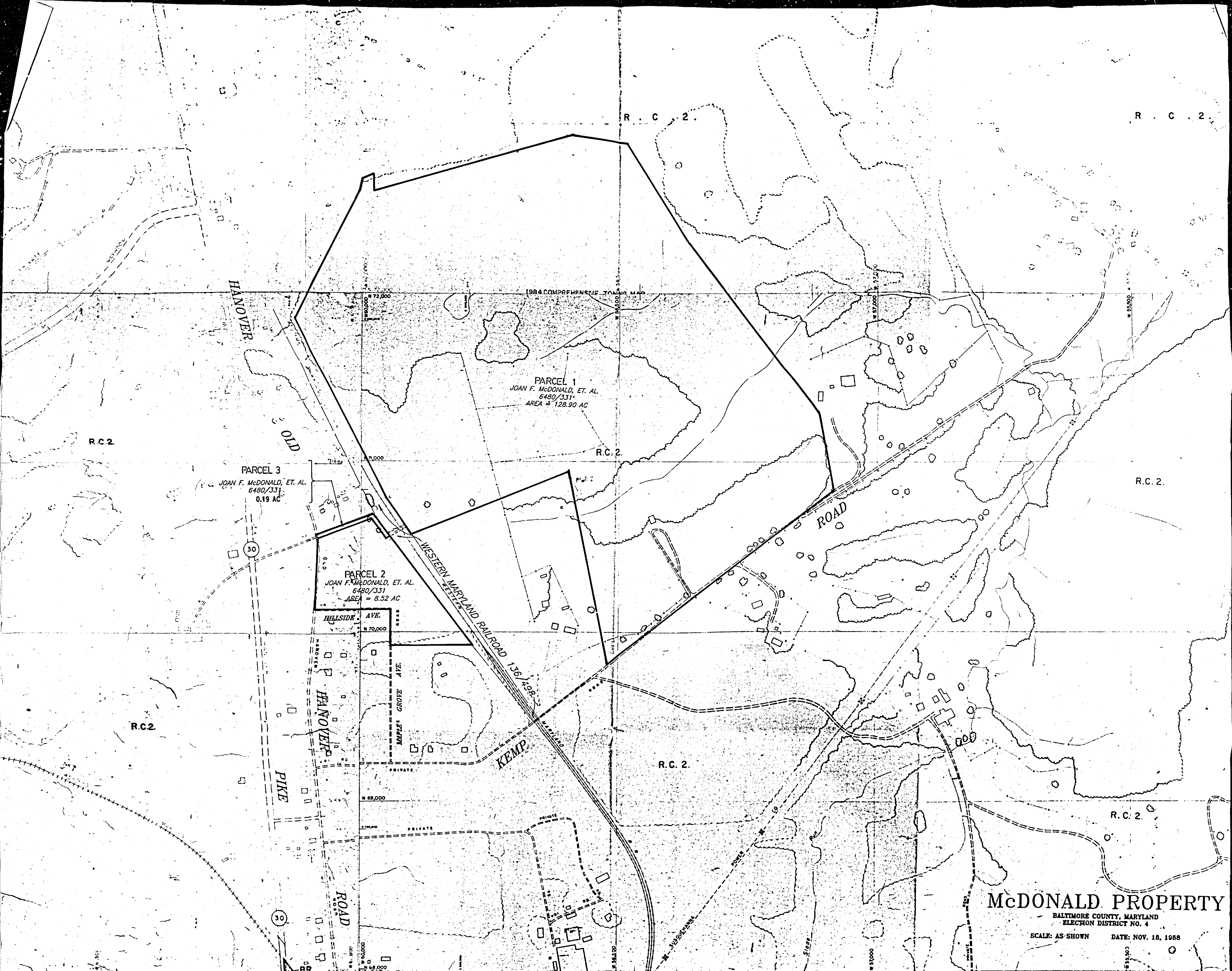
OWNERS
JOAN F. McDONALD
SANDRA T. HAHN
WALTER A. FREY III
BARRIE F. SIGLER
918 BELLEMORE ROAD
BALTIMORE, MARYLAND 21210

#248

PN 6115







McDONALD PROPERTY
BALTIMORE COUNTY, MARYLAND
ELECTION DISTRICT NO. 4

SCALE: AS SHOWN DATE: NOV. 18, 1988

**PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY METROPOLITAN AREA**

#248

REVISIONS		DATE	

SCALE 1" = 200'

DATE OF PHOTOGRAPHY APRIL 1988

Compiled by Photogrammetric Methods
AERO SERVICE CORPORATION-PHILADELPHIA, PA

1984 COMPREHENSIVE ZONING MAP
ADOPTED BY THE
BALTIMORE COUNTY COUNCIL
NOV. 13, 1984
BILL NOS. 133-84, 134-84, 135-84,
136-84, 137-84, 138-84 AND 139-84
[Signature]
CHAIRMAN, COUNTY COUNCIL

REVISIONS		DATE	

SCALE 1" = 200'

DATE OF PHOTOGRAPHY APRIL 1988

Compiled by Photogrammetric Methods
AERO SERVICE CORPORATION-PHILADELPHIA, PA

LOCATION GLEN MORRIS

SHEET 18-K